

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 114

97TH GENERAL ASSEMBLY

0135H.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 42.170, 42.200, 42.220, 167.020, and 301.020, RSMo, and to enact in lieu thereof nine new sections relating to benefits for members of the military, with a penalty provision and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 42.170, 42.200, 42.220, 167.020, and 301.020, RSMo, are repealed
2 and nine new sections enacted in lieu thereof, to be known as sections 41.213, 42.170, 42.200,
3 42.220, 167.020, 173.1158, 192.360, 301.020, and 324.007, to read as follows:

**41.213. 1. There is hereby created in the state treasury the “Show Me Heroes
2 Education Fund”, which shall be administered by the Adjutant General. The state
3 treasurer shall be custodian of the fund and may approve disbursements from the fund in
4 accordance with sections 30.170 and 30.180. Upon appropriation, moneys in the fund shall
5 be used solely to provide and manage tuition assistance to qualified military personnel.
6 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
7 in the fund at the end of the biennium shall not revert to the credit of the general revenue
8 fund. The state treasurer shall invest moneys in the fund in the same manner as other
9 funds are invested. Any interest and moneys earned on such investments shall be credited
10 to the fund.**

**11 2. For the purposes of this section “qualified military personnel” shall mean an
12 applicant who, at the time of his or her application and throughout any period during
13 which he or she is receiving such assistance:**

**14 (1) Is a member of the Missouri National Guard and is certified by the appropriate
15 commander as participating satisfactorily in required training;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16 **(2) Is a citizen or a permanent resident of the United States;**
17 **(3) Has not previously received a bachelor's degree from an accredited**
18 **postsecondary institution;**
19 **(4) Is enrolled, or has been accepted for enrollment, as a full-time or part-time**
20 **undergraduate student at an approved public institution. Any applicant with no**
21 **postsecondary academic record is deemed to be eligible for educational assistance when the**
22 **school he or she plans to attend enrolls or accepts him or her for enrollment;**
23 **(5) Maintains academic eligibility. Applicants must maintain a cumulative grade**
24 **point average (GPA) of at least a two point five on a four-point scale, or the equivalent on**
25 **another scale approved by the program administrator. Any otherwise qualified applicant**
26 **with a postscondary cumulative GPA of less than two point five will be on probation from**
27 **the beginning of the term in which the GPA dropped below the eligible standard;**
28 **(6) Has never been convicted in any court of an offense which involved the use of**
29 **force, disruption or seizure of property under the control of any institution of higher**
30 **education to prevent officials or students in such institutions from engaging in their duties**
31 **or pursuing their studies;**
32 **(7) Has not enrolled in or does not intend to use the grant to enroll in a course of**
33 **study leading to a degree in theology or divinity; and**
34 **(8) Has not received educational assistance under the Missouri National Guard**
35 **Assistance Program which exceeds or will exceed financial assistance for more than ten**
36 **semesters or their equivalent.**
37 **3. The fund shall automatically sunset one year after the effective date of this**
38 **section.**

42.170. 1. Every veteran who honorably served on active duty in the United States
2 military service at any time beginning December 7, 1941, and ending December 31, 1946, shall
3 be entitled to receive a medallion, medal and a certificate of appreciation pursuant to sections
4 42.170 to 42.185, provided that:

5 (1) Such veteran is a legal resident of this state or was a legal resident of this state at the
6 time he or she entered or was discharged from military service, [or] at the time of his or her
7 death, **or when such veteran served in a unit of the Missouri National Guard regardless of**
8 **whether he or she is or ever was a legal resident of this state; and**

9 (2) Such veteran was honorably separated or discharged from military service or is still
10 in active service in an honorable status, or was in active service in an honorable status at the time
11 of his or her death.

12 2. The medallion, medal and the certificate shall be awarded regardless of whether or not
13 such veteran served within the United States or in a foreign country. The medallion, medal and

14 the certificate shall be awarded regardless of whether or not such veteran was under eighteen
15 years of age at the time of enlistment. For purposes of sections 42.170 to 42.185, "veteran"
16 means any person defined as a veteran by the United States Department of Veterans' Affairs or
17 its successor agency.

42.200. 1. There is hereby created within the state adjutant general's office the "Korean
2 Conflict Medallion Program". Every veteran who honorably served on active duty in the United
3 States military service at any time beginning June 27, 1950, and ending January 31, 1955, shall
4 be entitled to receive a Korean Conflict medallion, medal, and a certificate of appreciation
5 pursuant to sections 42.200 to 42.206, provided that:

6 (1) Such veteran is a legal resident of this state or was a legal resident of this state at the
7 time he or she entered or was discharged from military service, [or] at the time of his or her
8 death, **or when such veteran served in a unit of the Missouri National Guard regardless of**
9 **whether he or she is or ever was a legal resident of this state;** and

10 (2) Such veteran was honorably separated or discharged from military service or is still
11 in active service in an honorable status, or was in active service in an honorable status at the time
12 of his or her death.

13 2. The Korean Conflict medallion, medal, and a certificate shall be awarded regardless
14 of whether or not such veteran served within the United States or in a foreign country. The
15 medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran
16 was under eighteen years of age at the time of enlistment. For purposes of sections 42.200 to
17 42.206, "veteran" means any person defined as a veteran by the United States Department of
18 Veterans' Affairs or its successor agency.

42.220. 1. There is hereby created within the state adjutant general's office the "Vietnam
2 War Medallion Program". Every veteran who honorably served on active duty in the United
3 States military service at any time beginning February 28, 1961, and ending May 7, 1975, shall
4 be entitled to receive a Vietnam War medallion, medal, and a certificate of appreciation under
5 sections 42.220 to 42.226, provided that:

6 (1) Such veteran is a legal resident of this state or was a legal resident of this state at the
7 time he or she entered or was discharged from military service, [or] at the time of his or her
8 death, **or when such veteran served in a unit of the Missouri National Guard regardless of**
9 **whether he or she is or ever was a legal resident of this state;** and

10 (2) Such veteran was honorably separated or discharged from military service or is still
11 in active service in an honorable status, or was in active service in an honorable status at the time
12 of his or her death.

13 2. The Vietnam War medallion, medal, and a certificate shall be awarded regardless of
14 whether or not such veteran served within the United States or in a foreign country. The

15 medallion, medal, and the certificate shall be awarded regardless of whether or not such veteran
16 was under eighteen years of age at the time of enlistment. For purposes of sections 42.220 to
17 42.226, "veteran" means any person defined as a veteran by the United States Department of
18 Veterans' Affairs or its successor agency.

167.020. 1. As used in this section, the term "homeless child" or "homeless youth" shall
2 mean a person less than twenty-one years of age who lacks a fixed, regular and adequate
3 nighttime residence, including a child or youth who:

4 (1) Is sharing the housing of other persons due to loss of housing, economic hardship,
5 or a similar reason; is living in motels, hotels, or camping grounds due to lack of alternative
6 adequate accommodations; is living in emergency or transitional shelters; is abandoned in
7 hospitals; or is awaiting foster care placement;

8 (2) Has a primary nighttime residence that is a public or private place not designed for
9 or ordinarily used as a regular sleeping accommodation for human beings;

10 (3) Is living in cars, parks, public spaces, abandoned buildings, substandard housing, bus
11 or train stations, or similar settings; and

12 (4) Is a migratory child or youth who qualifies as homeless because the child or youth
13 is living in circumstances described in subdivisions (1) to (3) of this subsection.

14 2. In order to register a pupil, the parent or legal guardian of the pupil or the pupil
15 himself or herself shall provide, at the time of registration, one of the following:

16 (1) Proof of residency in the district. Except as otherwise provided in section 167.151,
17 the term "residency" shall mean that a person both physically resides within a school district and
18 is domiciled within that district or, in the case of a private school student suspected of having
19 a disability under the Individuals With Disabilities Education Act, 20 U.S.C. Section 1412, et
20 seq, that the student attends private school within that district. The domicile of a minor child
21 shall be the domicile of a parent, military guardian pursuant to a military-issued guardianship or
22 court-appointed legal guardian. **For instances in which the family of a student living in**
23 **Missouri co-locates to live with other family members or live in a military family support**
24 **community because one or both of the child's parents are deployed out of state or deployed**
25 **within Missouri under Title 32 or Title 10 active duty orders, the student may attend the**
26 **school district in which the family member's residence or family support community is**
27 **located. If the active duty orders expire during the school year, the student may finish the**
28 **school year in that district; or**

29 (2) Proof that the person registering the student has requested a waiver under subsection
30 3 of this section within the last forty-five days. In instances where there is reason to suspect that
31 admission of the pupil will create an immediate danger to the safety of other pupils and
32 employees of the district, the superintendent or the superintendent's designee may convene a

33 hearing within five working days of the request to register and determine whether or not the pupil
34 may register.

35 3. Any person subject to the requirements of subsection 2 of this section may request a
36 waiver from the district board of any of those requirements on the basis of hardship or good
37 cause. Under no circumstances shall athletic ability be a valid basis of hardship or good cause
38 for the issuance of a waiver of the requirements of subsection 2 of this section. The district
39 board or committee of the board appointed by the president and which shall have full authority
40 to act in lieu of the board shall convene a hearing as soon as possible, but no later than forty-five
41 days after receipt of the waiver request made under this subsection or the waiver request shall
42 be granted. The district board or committee of the board may grant the request for a waiver of
43 any requirement of subsection 2 of this section. The district board or committee of the board
44 may also reject the request for a waiver in which case the pupil shall not be allowed to register.
45 Any person aggrieved by a decision of a district board or committee of the board on a request
46 for a waiver under this subsection may appeal such decision to the circuit court in the county
47 where the school district is located.

48 4. Any person who knowingly submits false information to satisfy any requirement of
49 subsection 2 of this section is guilty of a class A misdemeanor.

50 5. In addition to any other penalties authorized by law, a district board may file a civil
51 action to recover, from the parent, military guardian or legal guardian of the pupil, the costs of
52 school attendance for any pupil who was enrolled at a school in the district and whose parent,
53 military guardian or legal guardian filed false information to satisfy any requirement of
54 subsection 2 of this section.

55 6. Subsection 2 of this section shall not apply to a pupil who is a homeless child or
56 youth, or a pupil attending a school not in the pupil's district of residence as a participant in an
57 interdistrict transfer program established under a court-ordered desegregation program, a pupil
58 who is a ward of the state and has been placed in a residential care facility by state officials, a
59 pupil who has been placed in a residential care facility due to a mental illness or developmental
60 disability, a pupil attending a school pursuant to sections 167.121 and 167.151, a pupil placed
61 in a residential facility by a juvenile court, a pupil with a disability identified under state
62 eligibility criteria if the student is in the district for reasons other than accessing the district's
63 educational program, or a pupil attending a regional or cooperative alternative education program
64 or an alternative education program on a contractual basis.

65 7. Within two business days of enrolling a pupil, the school official enrolling a pupil,
66 including any special education pupil, shall request those records required by district policy for
67 student transfer and those discipline records required by subsection 9 of section 160.261 from
68 all schools previously attended by the pupil within the last twelve months. Any school district

69 that receives a request for such records from another school district enrolling a pupil that had
70 previously attended a school in such district shall respond to such request within five business
71 days of receiving the request. School districts may report or disclose education records to law
72 enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or
73 juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose
74 records are released. The officials and authorities to whom such information is disclosed must
75 comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E).

**173.1158. 1. By no later than January 1, 2014, the coordinating board for higher
2 education shall adopt a policy requiring every public institution of postsecondary
3 education in this state, including but not limited to every public university, college, and
4 vocational and technical school, to award educational credits to a student who is also a
5 veteran enrolled in a postsecondary education institution for courses that are part of the
6 student's military training or service, meet the standards of the American Council on
7 Education or equivalent standards for awarding academic credit, and are determined by
8 the academic department or appropriate faculty of the awarding institution to be
9 equivalent in content or experience to courses at that institution. All credit that is deemed
10 acceptable must meet the scope and mission of the awarding institution.**

**11 2. Beginning with the 2014-2015 academic year and for every academic year
12 thereafter, the department of higher education and every governing body of a public
13 institution of postsecondary education in this state shall adopt necessary rules and
14 procedures to implement the provisions of this section. Any rule or portion of a rule, as
15 that term is defined in section 536.010, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to all of the provisions
17 of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
18 nonseverable and if any of the powers vested with the general assembly pursuant to
19 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
20 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
21 proposed or adopted after August 28, 2013, shall be invalid and void.**

**192.360. 1. Notwithstanding any other provision of law to the contrary, the
2 department of health and senior services and the department of insurance, financial
3 institutions and professional registration shall require every health-related professional
4 licensing board to establish a procedure to ensure that any member of the United States
5 armed forces on active duty who, at the time of activation, was a member in good standing
6 of any professional licensing body in this state and was licensed or certified to engage in
7 his or her profession or vocation in this state shall be kept in good standing by the
8 professional licensing body with which he or she is licensed or certified.**

9 **2. While a licensee or certificate holder is an active duty member of the United**
10 **States armed forces, the license or certificate referenced in subsection 1 of this section shall**
11 **be renewed without:**

12 **(1) The payment of dues or fees; and**

13 **(2) Obtaining continuing education credits when:**

14 **(a) Circumstances associated with military duty prevent obtaining such training,**
15 **and a waiver request has been submitted to the appropriate licensing body;**

16 **(b) The military member, while on active duty, performs the licensed or certified**
17 **occupation as part of his or her military duties as annotated in Defense Department form**
18 **214 (DD 214); or**

19 **(c) The military member performing any other act typically required for the**
20 **renewal of the license or certificate.**

21 **3. The license or certificate issued under this section shall be continued as long as**
22 **the licensee or certificate holder is a member of the United States armed forces on active**
23 **duty and for a period of at least six months after being released from active duty.**

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the
15 odometer information provided in the vehicle inspection report, and provide for prompt access
16 to such information, together with the vehicle identification number for the motor vehicle to
17 which such information pertains, for a period of five years after the receipt of such information.
18 This section shall not apply unless:

19 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
20 1989; and

21 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age
25 or less, the director of revenue shall retain the odometer information provided in the vehicle
26 inspection report, and provide for prompt access to such information, together with the vehicle
27 identification number for the motor vehicle to which such information pertains, for a period of
28 five years after the receipt of such information. This subsection shall not apply unless:

29 (1) The application for the vehicle's certificate of ownership was submitted after July 1,
30 1990; and

31 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,
34 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the
35 certificate of ownership. The owner shall make an application for a new certificate of ownership,
36 pay the required title fee, and obtain the vehicle examination certificate required pursuant to
37 subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as
38 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall
39 only be required to meet the examination requirements under and pursuant to subsection 10 of
40 section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate
41 of ownership for all major component parts installed on the vehicle and invoices for all essential
42 parts which are not defined as major component parts shall accompany the application for a new
43 certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in
44 section 301.010, two pictures of the vehicle shall be submitted with the application. If the
45 vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement
46 of origin on the kit. If the vehicle requires the issuance of a special number by the director of
47 revenue or a replacement vehicle identification number, the applicant shall submit the required
48 application and application fee. All applications required under this subsection shall be
49 submitted with any applicable taxes which may be due on the purchase of the vehicle or parts.
50 The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor
51 Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on
52 the current and all subsequent issues of the certificate of ownership of such vehicle.

53 5. Every insurance company that pays a claim for repair of a motor vehicle which as the
54 result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that
55 pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the
56 vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder
57 if a lien is in effect, that he is required to surrender the certificate of ownership, and the

58 documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage
59 motor vehicle certificate of ownership or documents and fees as otherwise required by law to
60 obtain a salvage certificate of ownership, from the director of revenue. The insurance company
61 shall within thirty days of the payment of such claims report to the director of revenue the name
62 and address of such owner, the year, make, model, vehicle identification number, and license
63 plate number of the vehicle, and the date of loss and payment.

64 6. Anyone who fails to comply with the requirements of this section shall be guilty of
65 a class B misdemeanor.

66 7. An applicant for registration may make a donation of one dollar to promote a
67 blindness education, screening and treatment program. The director of revenue shall collect the
68 donations and deposit all such donations in the state treasury to the credit of the blindness
69 education, screening and treatment program fund established in section 192.935. Moneys in the
70 blindness education, screening and treatment program fund shall be used solely for the purposes
71 established in section 192.935, except that the department of revenue shall retain no more than
72 one percent for its administrative costs. The donation prescribed in this subsection is voluntary
73 and may be refused by the applicant for registration at the time of issuance or renewal. The
74 director shall inquire of each applicant at the time the applicant presents the completed
75 application to the director whether the applicant is interested in making the one dollar donation
76 prescribed in this subsection.

77 8. An applicant for registration may make a donation of one dollar to promote an organ
78 donor program. The director of revenue shall collect the donations and deposit all such
79 donations in the state treasury to the credit of the organ donor program fund as established in
80 sections 194.297 to 194.304. Moneys in the organ donor fund shall be used solely for the
81 purposes established in sections 194.297 to 194.304, except that the department of revenue shall
82 retain no more than one percent for its administrative costs. The donation prescribed in this
83 subsection is voluntary and may be refused by the applicant for registration at the time of
84 issuance or renewal. The director shall inquire of each applicant at the time the applicant
85 presents the completed application to the director whether the applicant is interested in making
86 the one dollar donation prescribed in this subsection.

87 **9. An applicant for registration may make a donation of one dollar to the National**
88 **World War I Museum at Liberty Memorial. The director of revenue shall collect the**
89 **donations and deposit them into the state treasury to the credit of the veterans commission**
90 **capital improvement trust fund as established in section 42.300. Donations shall be used**
91 **for the sole purpose of the restoration, renovation and maintenance of the National World**
92 **War I Museum at Liberty Memorial, except that the department of revenue shall retain**
93 **no more than one percent for its administrative costs. The donation prescribed in this**

94 subsection is voluntary and may be refused by the applicant for registration at the time of
95 issuance or renewal. The director shall inquire of each applicant at the time the applicant
96 presents the completed application to the director whether the applicant is interested in
97 making the one dollar donation prescribed in this subsection.

324.007. 1. By no later than January 1, 2014, every professional licensing board
2 or commission in this state shall, upon presentation of satisfactory evidence by an applicant
3 for certification or licensure, accept education, training, or service completed by an
4 individual who is a member of the United States armed forces or reserves, the national
5 guard of any state, the military reserves of any state, or the naval militia of any state
6 toward the qualifications to receive the license or certification.

7 2. Every examination and professional licensing board in this state shall adopt
8 necessary procedures to implement the provisions of this section.

9 3. The division of professional registration within the department of insurance,
10 financial institutions and professional registration shall promulgate rules to implement this
11 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
12 created under the authority delegated in this section shall become effective only if it
13 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
14 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
15 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
16 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
17 grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,
18 shall be invalid and void.

Section B. Because immediate action is necessary to ensure military personnel do not
2 experience a lapse in tuition assistance the enactment of section 41.213 of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
4 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
5 of section A of this act shall be in full force and effect upon its passage and approval.

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